



BOX 1447, OAK BLUFFS, MASSACHUSETTS, 02557, 508-693-3453,
FAX 508-693-7894 INFO@MVCOMMISSION.ORG WWW.MVCOMMISSION.ORG

Martha's Vineyard Commission

Land Use Planning Committee

Minutes of the Meeting of March 5, 2007

Held in the Stone Building, New York Avenue, Oak Bluffs. 5:30 P.M.

Commissioners Present: Christina Brown; John Breckenridge; Mimi Davisson; Ned Orleans; Linda Sibley; Kathy Newman; Chris Murphy; and Jim Athearn.

MVC Staff Present: Mark London; Paul Foley; Bill Wilcox and Jim Miller

Note: Before DRI 34-M the LUPC reviewed DRI 549 (Hart Hardware)

2. Arnie Fischer (DRI 34-M) Pre-Public Hearing Review

Project Location: Road to Great Neck, West Tisbury Map 35 Lot 3.1(110.3 acres)

Proposal: To subdivide one 12.9-acre parcel off of the 110-acre piece.

Commissioners Present: Christina Brown; John Breckenridge; Mimi Davisson; Ned Orleans; Linda Sibley; Kathy Newman; Chris Murphy; and Jim Athearn.

MVC Staff Present: Mark London; Paul Foley; Bill Wilcox and Jim Miller

Present for the Applicant: Arnie Fischer, Eleanor Neubert, and Glenn Provost (Engineer)

Staff Report

- Paul Foley, DRI Coordinator, described the project.
- The applicants want to subdivide one 12.9-acre parcel off of the 110-acre piece in order to have something in hand to offset estate tax in case something should happen to the Trustee of the property while an overall estate plan for the whole property is being worked out.
- This Form A plan may not ever be exercised, its purpose is only as a backup plan.
- The property is presently restricted under Chapter 61A which gives the owners a lower rate of tax for farmland.
- If someone wanted to buy 61A land for a residential development they would have to pay the difference in the taxes for the property between the 61A rate and the residential rate going back five years.

Applicant Presentation

- Glenn Provost of Vineyard Land Surveying, said the if Arnie and Eleanor's mother Priscilla were to pass before an estate plan were in place, it would create a huge estate tax problem.
- If they can get this Estate Plan for the whole property done by this fall they would never exercise this plan. If they have preliminary plans ready this fall they would be asked to be referred to the MVC.
- This proposal is just so that they have something in the back pocket in case they need it.

Commissioner Discussion

- **Linda Sibley made a Motion to waive a traffic study which was seconded by Mimi Davisson and agreed upon unanimously.**
- The Commission has to treat this subdivision as if it were going to happen and be built on.
- Commissioners reviewed questions that should be clarified at the Hearing.
 - Why make a 12-acre parcel when you can make a 3-acre parcel?

- Would this 12-acre parcel be sub-dividable?
 - Would it still be under Chapter 61A?
 - How many bedrooms could go there?
 - Why the little line was placed where it is and not up where the other properties come together?
 - Where would a house go? Could the plan include a building envelope? The impact on the open space is a concern; there would be a huge difference in impact if a house was located in or near the woods, or went out into the open fields.
- This is right on the Tisbury Great Pond so it is a very sensitive and visible site.
 - Glenn Provost replied that they can probably address these issues to the Commission's satisfaction at the Public Hearing.
 - The applicants were given a copy of the Commission's Open Space Policy?
 - Commissioner Murphy said he would like to help personally if there is anything he can do to help preserve this land.
 - Commissioners recalled what happened when the Norton farm went without an estate plan and the IRS moved in.
 - Glen Provost said they hope this is just part of the process and not a problem. This is simply a catastrophe plan. They feel they have to create a parcel with significant value.
 - They would be willing to give an easement but the IRS wants cash. The IRS is going to look at the maximum amount that could be developed.
 - Commissioners suggested they talk to Dick Johnson and the other conservation organizations. Mr. Fischer said they have talked to all of them.

Adjourned at 7:00 p.m.